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ON PAGE A12

NEW YORK TIMES
5 March 1986

Plea for 2 Trials Rejected in Navy Spy Case

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Special to The New York Times

SAN FRANCISCO, March 4—A Federal district judge today rejected a defense request to hold two trials, one on espionage charges and the other on accusations of tax evasion, for a retired Navy communications specialist accused of spying for the Soviet Union.

Defense lawyers have said the decision may mean that the defendant, Jerry A. Whitworth, will not testify at his trial. The trial began today with jury selection.

Mr. Whitworth, who has pleaded not guilty, had sought two trials, offering to testify on the espionage counts but not on the tax charges. He is charged with nine counts of espionage and four of tax fraud.

Defense lawyers have declined to comment on suggestions that they wanted separate trials to limit the amount of financial information provided to jurors considering the espionage counts. Prosecutors have charged that Mr. Whitworth received more than \$300,000 in exchange for Navy secrets and failed to report the money on his income tax returns.

The judge in the case, John P. Vukasin Jr., said he saw no reason to hold two trials. He noted that Mr. Whitworth could still be questioned about his finances at both trials, eliminating the need to sever the case.

"We will proceed on all 13 counts," he said.

Mr. Whitworth is accused of joining a spy ring formed by a Navy colleague, John A. Walker Jr. Mr. Walker pleaded guilty to espionage charges last year and is expected to be the Government's star witness at of Mr. Whitworth's trial.

A defense lawyer, James Larson, argued today that without two trials, Mr. Whitworth might be denied an opportunity to defend himself on the witness stand. If he must decide against testifying, "he wouldn't be able to

present a defense in his own behalf" on the espionage counts, the lawyer said.

Rejecting the lawyer's plea, Judge Vukasin also announced that he would delay a decision on whether to allow jurors to see several letters that prosecutors assert are a virtual confession by Mr. Whitworth. The letters, which were written anonymously, were mailed in 1984 to the Federal Bureau of Investigation by someone requesting immunity in exchange for information on a Soviet spy ring.

Prosecutors and defense lawyers have said that jury selection could take several days. A pool of 97 potential jurors remained today.

Last week they were asked to fill out a questionnaire seeking information on their employment history and knowledge of the case, which has attracted wide publicity.